

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SENATE BILL 1260**

AN ACT

AMENDING SECTIONS 16-204, 19-143 AND 42-6006, ARIZONA REVISED STATUTES;  
RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 16-204, Arizona Revised Statutes, is amended to  
3 read:

4           16-204. Declaration of statewide concern; consolidated election  
5           dates

6       A. While the legislature recognizes that the method of conducting  
7 elections by political subdivisions, including charter counties and cities,  
8 may be a matter of local concern, the legislature finds and determines that  
9 for the purposes of increasing voter participation and for decreasing the  
10 costs to the taxpayers it is a matter of statewide concern that all elections  
11 in this state be conducted on a limited number of days and, therefore, the  
12 legislature finds and declares that the holding of all elections on certain  
13 specific consolidated days is a matter of statewide concern.

14     B. Notwithstanding any other law or any charter or ordinance of any  
15 county, city or town to the contrary, an election held for or on behalf of a  
16 county, city or town, a school district, a community college district or  
17 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13  
18 through 16 and 33 may only be held on the following dates:

19       1. Except AS PROVIDED IN PARAGRAPH 3 AND for regular elections for  
20 candidates in a city or town with a population of one hundred seventy-five  
21 thousand or more persons, all elections, including recall elections and  
22 special elections to fill vacancies, shall be held on:

23           (a) The second Tuesday in March.

24           (b) The third Tuesday in May.

25           (c) The ~~eight~~ NINTH Tuesday before the first Tuesday after the first  
26 Monday in November.

27           (d) The first Tuesday after the first Monday in November.  
28 Notwithstanding any other law, an election must be held on this date for the  
29 approval of an obligation or other authorization requiring or authorizing the  
30 assessment of secondary property taxes by a county, city, town, school  
31 district, community college district or special taxing district, except as  
32 provided by title 48.

33       2. For regular elections that are only for candidates in a city or  
34 town with a population of one hundred seventy-five thousand or more persons  
35 and not including recall elections and special elections to fill vacancies in  
36 those cities or towns, elections shall be held on:

37           (a) The ~~eight~~ NINTH Tuesday before the first Tuesday after the first  
38 Monday in November.

39           (b) The first Tuesday after the first Monday in November.

40       3. FOR ELECTIONS TO APPROVE ANY IMPOSITION OF, INCREASE IN OR  
41 EXTENSION OF A TRANSACTION PRIVILEGE, SALES, USE, FRANCHISE OR OTHER SIMILAR  
42 TAX OR FEE, HOWEVER DENOMINATED, OR ANY TAX INCENTIVE AS DEFINED IN SECTION  
43 42-6010 LEVIED OR IMPOSED BY A CITY OR TOWN, THE ELECTION SHALL BE HELD:

1               (a) IN EVEN NUMBERED YEARS, ON THE FIRST TUESDAY AFTER THE FIRST  
2 MONDAY IN NOVEMBER.

3               (b) IN ODD NUMBERED YEARS IN A CITY OR TOWN WITH A POPULATION OF ONE  
4 HUNDRED SEVENTY-FIVE THOUSAND OR MORE PERSONS, ON THE NINTH TUESDAY BEFORE  
5 THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.

6               C. For any city or town, including a charter city, that holds its  
7 regularly scheduled candidate elections in even-numbered years pursuant to  
8 subsection B, paragraph 2 **OF THIS SECTION**, the term of office for a member of  
9 the city council or for the office of mayor begins on or after the second  
10 Tuesday in January in the year following the election.

11              D. This section does not apply to an election regarding a county or  
12 city charter committee or county or city charter proposal that is conducted  
13 pursuant to article XIII, section 2 or 3 or article XII, section 5,  
14 Constitution of Arizona.

15              Sec. 2. Section 19-143, Arizona Revised Statutes, is amended to read:

16              19-143. Initiative petition in cities; action of council;  
17                                  amendment of charter

18              A. The whole number of votes cast at the city or town election at  
19 which a mayor or councilman was chosen last preceding the submission of the  
20 application for an initiative petition is the basis for computing the number  
21 of qualified electors of the city or town required to sign the petition  
22 unless the city or town by charter or ordinance provides an alternative basis  
23 for computing the number of necessary signatures.

24              B. If an ordinance, charter or amendment to the charter of a city or  
25 town is proposed by initiative petition, it shall be filed with the city or  
26 town clerk, who shall submit it to the voters of the city or town at the next  
27 ensuing election, EXCEPT THAT IF THE INITIATIVE PETITION REQUESTS THE  
28 APPROVAL OF ANY ISSUE RELATING TO A TRANSACTION PRIVILEGE, SALES, USE,  
29 FRANCHISE OR OTHER SIMILAR TAX OR FEE, HOWEVER DENOMINATED, OR ANY TAX  
30 INCENTIVE AS DEFINED IN SECTION 42-6010, THE QUESTION SHALL BE SUBMITTED TO  
31 THE QUALIFIED ELECTORS AT AN ELECTION SCHEDULED AS PRESCRIBED BY SECTION  
32 16-204, SUBSECTION B, PARAGRAPH 3. The council may enact the ordinance or  
33 amendment and refer it to the people or it may enact the ordinance or  
34 amendment without referring it to the people, and in that case it is subject  
35 to referendum petition as other ordinances. The mayor shall not have power  
36 to veto either of such measures.

37              C. Amendments to a city or town charter may be proposed and submitted  
38 to the people by the council, with or without an initiative petition, but  
39 they shall be filed with the clerk for submission not less than sixty days  
40 before the election at which they are to be voted upon, and no amendment of a  
41 charter shall be effective until it is approved by a majority of the votes  
42 cast thereon by the people of the city or town to which it applies. The  
43 council may by ordinance order special elections to vote on municipal  
44 measures.

1 Sec. 3. Section 42-6006, Arizona Revised Statutes, is amended to read:  
2 42-6006. Municipal elections on tax issues

3 A city or town may submit any issue relating to a transaction privilege  
4 ~~tax~~, sales, use, franchise or other similar tax or fee, however denominated,  
5 OR ANY TAX INCENTIVE AS DEFINED IN SECTION 42-6010 to the qualified electors  
6 of the city or town at ~~any~~ A ~~regular or special~~ municipal election SCHEDULED  
7 AS PRESCRIBED BY SECTION 16-204, SUBSECTION B, PARAGRAPH 3, and may spend  
8 public monies of the city or town to cover the expenses of the election on  
9 that issue.